

**GIBSON DUNN**

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Client: L 36380-00001

July 9, 2010

BY FACSIMILE (212-805-6382)Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Suite 660  
New York, New York 10007-1312

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Re: Request for expedited discovery in Gurung v. Malhotra, 10-CIV-5086

Dear Judge Marrero:

I am counsel for the plaintiff in the action referred to above, which was filed on July 1, 2010. A copy of the complaint is enclosed for Your Honor's reference.

I write to request a pre-motion conference. The plaintiff wishes leave to immediately serve third-party subpoenas for documents only. The basis for the motion is briefly set forth below.

The defendants reside in India. We know that they have actual knowledge of the action and allegations, for reasons we can explain in detail at the conference. But efforts to either communicate with them directly or have them appear voluntarily have been unsuccessful. We are beginning the process of serving them in accordance with the Hague Convention, but we are advised that, because of delays in India, that process will not be complete for some weeks.

In the meantime, we wish to begin to gather relevant documents from non-party witnesses in the United States. These witnesses include the representatives of India to the United States and the United Nations, and the United States Department of State and Immigration and Naturalization Service. Service of these subpoenas would not prejudice the defendants and we would of course provide copies of both the subpoenas and any documents produced in response to the subpoenas to the defendants promptly, whether or not they appear.

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It may be many weeks before this Court is in a position to sign an order setting forth a full discovery plan, but it is in all parties' interest that the case move forward expeditiously. See *Stern v. Cosby*, 246 F.R.D. 453, 457 (S.D.N.Y. 2007) (Court uses "good cause" or "reasonableness" standard to allow for expedited discovery prior to a Rule 26(f) conference).

Respectfully,



Mitchell A. Karlan

MAK/sct  
Encls.

cc: Neena Malhotra  
Jogesh Malhotra

Request GRANTED. Plaintiff is authorized to serve third-party subpoenas in this action on the persons on for the reasons set forth above. No pre-motion conference shall be necessary. Plaintiff shall provide notice of such subpoenas to defendant's as stated.

7-9-10  
DATE VICTOR MARRERO, U.S.D.J.